

IN THE DRAWINGS

The attached sheets of drawings include changes to Figs. 1, 2, 4, 5, 10, 16, 17, 18, 20, 23, 24, 27, 31, 32, and 34. These sheets replace the original sheets including Figs. 1, 2, 4, 5, 10, 16, 17, 18, 20, 23, 24, 27, 31, 32, and 34.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-15 are pending in this application. Claims 8-39 stand withdrawn from consideration as directed to non-elected inventions. Non-elected claims 16-39 are canceled by the present response without prejudice. The drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(5). The drawings were objected to for informalities. The specification was objected to for informalities. Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. patent 4,937,613 to Sawaki et al. (herein "Sawaki"). Claim 3 was rejected under 35 U.S.C. § 103(a) as unpatentable over Sawaki in view of U.S. patent 3,920,331 to Kurita et al. (herein "Kurita"). Claim 5 was rejected under 35 U.S.C. § 103(a) as unpatentable over Sawaki in view of U.S. patent 6,078,042 to Fellows. Claims 1-4 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,369,875 to Ito et al. (herein "Ito") in view of Sawaki. Claims 6 and 7 were objected to as dependent upon rejected base claims, but were noted as allowable if rewritten in independent form to include all of the limitations of their base claim and any intervening claims.

Initially, applicants gratefully acknowledge the early indication of the allowable subject matter in claims 6 and 7.

Addressing first the objection to the drawings noted in paragraph 2 of the Office Action, that objection is traversed by the present response.

First, applicants note replacement Figure 1 is submitted herein that now labels elements P1, P1'. Further, replacement Figure 13 now labels elements 44 and 48. Those replacement figures are not believed to raise any issues of new matter as those labeled elements are clearly supported by the original specification. Further, the specification is amended at page 95, line 2 to now correctly refer to reference indicator "φ".

The replacement Figures 1 and 13 and the amendment to the specification at page 95, line 2 are believed to address the objection to the drawings noted in paragraph 2 of the Office Action.

Addressing now the objection to the drawings noted in paragraph 3 of the Office Action, those objections are also traversed by the present response.

The specification now refers to element 1 shown in Figure 1. Further, Figure 2(a) is now amended to delete reference indicators 9 and R'. Further, the specification now refers to reference indicator 33 shown in Figure 13 in the present specification at page 60. The noted amendments to the specification and replacement Figure 2(a) are believed to address the objection to the drawings noted in paragraph 3 of the Office Action.

Addressing now the objection to the drawings noted in paragraph 4 of the Office Action, replacement drawings are submitted herein that use proper cross-hatchings for reference numerals 1, 2, 27, and 28. With respect to the objection to reference numeral 3 in Figure 1 of the present specification, that reference indicator is directed to a surface of manuscript 2, and thus is not an area to be cross-hatched. Further, Figure 28 now correctly labels element 28A as also suggested.

The replacement figures are believed to address the objection to the drawings noted in paragraph 4 of the Office Action.

The specification has been reviewed and amended by the present response to correct minor informalities therein, including suggested changes noted in paragraph 6 of the Office Action.

Addressing now the prior art rejections, those rejections are traversed by the present response.

Each of claims 1-15 is amended by the present response to clarify that the previously recited "optical element" is an "ND filter".

According to features recited in the claims, and with reference to Figure 4 of the present specification as a non-limiting example, one feature in the claims as currently written is to utilize an ND filter 21 between a light 18 and a manuscript stand 27. Such an ND filter 21 is a filter that is semi-permeable so that it can attenuate light input therein. As a result, light provided to the manuscript stand 27 is attenuated. As shown for example in Figure 5 in the present specification, direct lighting light P2 output from the light source 18 and diffusion light P4, which is a reflection light, can be attenuated by passing through the semi-permeable ND filter 21. As a result, light can be attenuated multiple times to provide benefits such as reducing the light amount required to read the manuscript 29 so that a S/N ratio and noise levels are improved, and flare light is reduced.<sup>1</sup>

The feature of utilizing an ND filter between a radiation light source and a manuscript, as clarified in the claims, is believed to distinguish over the applied art.

The outstanding rejection cites the combination of teachings of Sawaki in view of Fellows to disclose the use of an ND filter, and particularly cites Fellows disclosing the use of an ND filter 23. However, applicants respectfully submit such a combination of teachings does not meet the claim limitations.

First, applicants note it is only the applicants of the claimed invention who recognized benefits that can be achieved by the claimed structure in which an ND filter is provided between an illumination source and a manuscript stand. Sawaki discloses the use of an attenuating element 7A between a light source and a manuscript stand, but that attenuating element 7A is a specific frequency filter that is non-transmissive to infrared light but is transmissive for all other light. As such, that filter 7A does not attenuate light intended to pass therethrough, but either lets all light of certain wavelengths pass therethrough or completely blocks the transmission of other infrared rays.

---

<sup>1</sup> See for example the discussion in the present specification at page 46, line 15 to page 49, line 12.

As noted above one benefit of the claimed invention is the prevention of flare light, which is not addressed or possible by the use of an infrared filter 7A in Sawaki.

Moreover, Fellows also does not teach or suggest providing an attenuating light source between an illumination source and a manuscript stand. In fact Fellows merely discloses the use of a neutral density filter 23 in an assembly 6 that provides a reflection spectrum corresponding with the infrared absorption spectrum of a material 7 being measured.<sup>2</sup> Thus, Fellows is also not directed to providing an ND filter between an illumination lamp and a manuscript stand. As such, applicants respectfully submit the filter 23 in Fellows is not utilized in the same manner as the filter 7A in Sawaki, and thus there would be no suggestion to one of ordinary skill in the art to combine such teachings.

Applicants also note it appears the filter 23 in Fellows is directed to a reflection mode element as shown for example in Figure 2 therein. The filter 23 in Fellows is placed between a filter 22 in a reflection mode and a mirror 24.<sup>3</sup> Those teachings in Fellows do not appear relevant to the teachings in Sawaki as Sawaki would not appear to have any desire or benefit by replacing element 7A with a reflection mode element comprised of elements 22, 23, and 24 in Fellows.

In such ways, applicants respectfully submit the claims as currently written distinguish over any combination of teachings of Sawaki in view of Fellows, and thus applicants respectfully submit each of claims 1-7 is now believed to be allowable.

Applicants also note the presence of withdrawn claims 8-15. Those claims are still maintained pending this application as they depend from one of examined independent claims 1 or 2, and thus claims 1 and 2 are generic to those claims 7-15. Thus, restatement of claims 8-15 is believed to be proper.

---

<sup>2</sup> Fellows at column 3, lines 59-62.

<sup>3</sup> Fellows at column 5, lines 15-44.

In view of the present response applicants respectfully submit the present application is in condition for allowance with respect to pending claims 1-15.

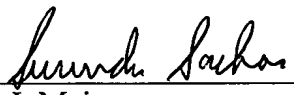
As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

  
\_\_\_\_\_  
Gregory J. Maier  
Attorney of Record  
Registration No. 25,599  
Surinder Sachar  
Registration No. 34,423

GJM:SNS\la

I:\ATTY\SNS\24's\248042\248042US-AM.DOC